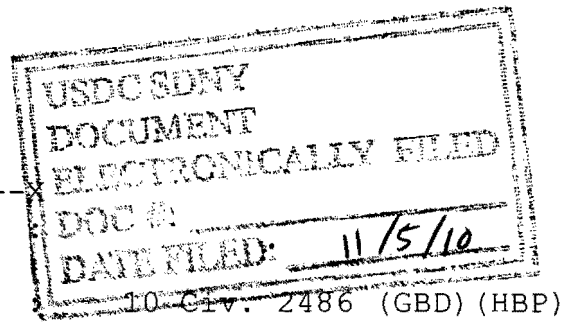


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CAPGEMINI U.S. LLC, individually
and as assignee of claims of
certain contractors of EC Manage
Inc., and CAPGEMINI APPLICATIONS
SERVICES LLC,

Plaintiffs,

-against-

EC MANAGE INC and TPX GLOBAL
CORPORATION

Defendants.

: SCHEDULING
ORDER

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PITMAN, United States Magistrate Judge:

This matter having been referred to me to conduct an
inquest and to report and recommend concerning plaintiff's
damages, it is hereby ORDERED that:

1. Plaintiff shall submit proposed findings of fact
and conclusions of law concerning damages no later than
January 11, 2011. All factual assertions made by
plaintiff are to be supported by either affidavit or
other material of evidentiary weight.
2. Defendants shall submit their response to
Plaintiff's submission, if any, no later than February
11, 2011. IF DEFENDANTS (1) FAIL TO RESPOND TO

PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY
CHAMBERS BY FEBRUARY 11, 2011 AND REQUEST AN IN-COURT
HEARING, IT IS MY INTENTION TO ISSUE A REPORT AND
RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF
PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-
COURT HEARING. See Transatlantic Marine Claims Agency,
Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir.
1997); Fustok v. ContiCommodity Services Inc., 873 F.2d
38, 40 (2d Cir. 1989) ("[I]t [is] not necessary for the
District Court to hold a hearing, as long as it ensured
that there was a basis for the damages specified in a
default judgment.")

Dated: New York, New York
November 4, 2010

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies Mailed To:

Gerald D. Silver, Esq.
Chadbourne & Parke LLP
30 Rockefeller Plaza
New York, New York 10112

Mr. Rabi Chakraborty
Chief Executive Officer
EC Manage, Inc.
3155 Kearney Street
SUite 170
Fremont, California 94538

Mr. Rabi Chakraborty
Chief Executive Officer
TPX Global Corporation
3155 Kearney Street
SUite 170
Fremont, California 94538